## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA WHEELING

UNITED STATES OF AMERICA,

Plaintiff,

٧.

CHRISTOPHER GYORKO,

CRIMINAL ACTION NO. 5:15-cr-45 (BAILEY)

Defendant,

**NINA K. GYORKO,** 

Petitioner.

## ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 292]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Seibert filed his R&R on October 5, 2016, wherein he recommends that petitioner Nina K. Gyorko's Letter Motion for Return of Property [Doc. 181], filed on February 5, 2016, be granted and that petitioner's second Letter Motion for Return of Property [Doc. 199], filed on March 8, 2016, be denied as moot.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that service was accepted on October 6, 2016 [Doc. 293]. No objections have been filed to date. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 292] should be, and is, hereby ORDERED ADOPTED for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court ORDERS that the petitioner's Letter Motion for Return of Property [Doc. 181], filed on February 5, 2016, be GRANTED and that Nina Gyorko's second Letter Motion for Return of Property [Doc. 199], filed on March 8, 2016, be DENIED AS MOOT. As an additional matter, the vehicle at issue herein, a 2007 Chrysler 300M, Vehicle Identification Number: 2C3LA63H77H751078, registered in the State of West Virginia, and bearing license plate, "5YD614," described in the Judgment Order as to Christopher T. Gyorko [Doc. 195], is ORDERED RETURNED to petitioner Nina K. Gyorko, free of any liens or encumbrances imposed by the Government in relation to this matter.

## It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* petitioner.

**DATED:** October 25, 2016.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE